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GENERAL ASSEMBLY
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Items 23, 29, 32, 34, 35, 38, 43, 82
and 111 of the preliminary list*
QUESTION OF PALESTINE
THE SITUATION IN AFGHANISTAN AND
ITS IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY
THE SITUATION IN KAMPUCHEA
POLICIES OF APARTHEID OF THE
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QUESTION OF PEACE, STABILITY AND
CO-OPERATION IN SOUTH-EAST ASIA
QUESTION OF NAMIBIA
DEVELOPMENT AND INTERNATIONAL
ECONOMIC CO-OPERATION
INTERNATIONAL ACTION TO COMBAT DRUG
ABUSE AND ILLICIT TRAFFICKING

SECURITY COUNCIL
Forty-fifth year

Letter dated 22 February 1990 from the Permanent Representatives of Indonesia and Ireland to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of a joint declaration of the Eighth Meeting of the Foreign Ministers of the Association of South-East Asian Nations (ASEAN) and the European Community (EC), which was held at Kuching, Malaysia, on 16 and 17 February 1990.

We should be grateful if you could arrange to have this text circulated as an official document of the General Assembly, under items 23, 29, 32, 34, 35, 38, 43, 82 and 111 of the preliminary list, and of the Security Council.

(Signed) Nana S. SUTRESNA
Ambassador
Permanent Representative
of Indonesia

(Signed) Francis Mahon HAYES
Ambassador
Permanent Representative
of Ireland

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ANNEX

JOINT DECLARATION
8TH ASEAN-EC MINISTERIAL MEETING
KUCHING, MALAYSIA,
16-17 FEBRUARY, 1990

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1. The Eighth Meeting of the Foreign Ministers of the Association of South-East Asian Nations (ASEAN) and the European Community (EC) was held in Kuching, Malaysia from 16-17 February 1990. The Chief Minister of the State Government of Sarawak, His Excellency Datuk Patinggi Tan Sri Haji Abdul Taib Mahmud, welcomed the Ministers and the delegates to Kuching. His Excellency Dato' Seri Dr. Mahathir Mohamad, the Prime Minister of Malaysia, addressed the opening session of the Meeting.

2. The Ministers had a comprehensive exchange of views on political and economic subjects. The Ministers reviewed the progress of ASEAN-EC relations since their last meeting which was held in Dusseldorf from 2-3 May 1988. The Ministers expressed their satisfaction at the continued cooperation that exists between ASEAN and the EC both in international fora and on a bilateral basis. Being cognizant of the impact of the European Single Market in 1992 and of recent political, social, and economic developments in Eastern Europe, both ASEAN and the EC were in agreement that greater efforts should be made to enhance cooperation between the two regions.

INTERNATIONAL POLITICAL ISSUES

International Situation

3. The ASEAN and EC Ministers had a wide-ranging discussion on the latest international developments. They noted with satisfaction the existing disposition towards rapprochement and mutual accommodation among states, especially between the major powers, which has led to a visible

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relaxation of international tensions and to even more vigorous efforts in resolving regional conflicts through dialogue and negotiations. The exchange of views also focussed on the fundamental changes presently taking place in Central and Eastern Europe and on the new opportunities as well as new challenges that these may entail.

4. While welcoming these developments as hopeful auguries for greater global peace and improved East-West relations, the Ministers recognised that imbalances and uncertainties still exist inter alia in the North-South relationship. They therefore resolved to enhance their cooperation in addressing the global problems of an increasingly interdependent and integrated world economy.

Disarmament and Arms Control

5. The Ministers welcomed recent progress in the areas of nuclear, chemical and conventional disarmament and arms control and noted that prospects are favourable for further progress. Through disarmament, new opportunities could be created for facilitating increased cooperation for development and for the safeguarding of the resources of the environment.

Cambodia

6. The Ministers had an extensive exchange of views on the latest developments regarding the Cambodian question and the continuing efforts to find a comprehensive, just and durable solution to the tragic conflict in that country, which can only be achieved through a comprehensive political settlement. Such a settlement should include, inter alia, the total withdrawal of foreign forces verified by the UN, a ceasefire, the ending of all forms of external military assistance to the belligerents, the introduction of an effective International Control Mechanism under UN auspices, the creation of a UN interim authority and the promotion of national reconciliation among the Cambodians, ensure respect for the sovereignty, independence, territorial integrity and neutral and

non-aligned status of Cambodia, as well as the right of the Cambodian people to self-determination free from outside interference, and ensure also the non-return of the universally condemned policies and practices of a recent past. They stressed the fundamental right of Cambodians to choose their own government in free, fair and UN-supervised elections, in which all Cambodian parties should be allowed to participate. The Cambodian parties should commit themselves to honouring the results of these elections. They reaffirmed their condemnation of those responsible for the policies and practices which led to the extermination of hundreds of thousands of Cambodians from 1975 to 1978 and expressed the view that neither the Khmer Rouge nor any other Cambodian group should be allowed to seize or retain power through force of arms.

7. They shared the view that, while the Paris Conference had not as yet succeeded in achieving a comprehensive solution, it has made progress in elaborating a wide range of principal elements necessary for reaching a comprehensive settlement. They therefore urged the two Co-Chairmen of the Conference to continue their consultations with a view to resuming the negotiating process and the reconvening of the Paris Conference at an appropriate time.

8. The Ministers noted with satisfaction that parties directly involved in the conflict and other concerned countries now have accepted the central idea of a United Nations interim administration for Cambodia in the transitional period leading up to the holding of free and fair elections. They recognised that, on the modalities and actual forms of such UN interim administration, divergence of views still exist, thus requiring further detailed negotiations.

9. The Ministers were greatly encouraged by the results of the recent meeting of the five Permanent Members of the UN Security Council and welcomed the 16-point Summary of Conclusions adopted at the first Meeting which specifically endorsed an enhanced UN role in the resolution of the Cambodian question. They noted the further progress achieved at the meeting of the Five in New York on 12-13 February and welcomed the decision of the UN Secretary-General to set up under his chairmanship an intra-secretariat task-force.

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10. In view of the afore-mentioned developments, the Ministers expressed their full support for the forthcoming Informal Meeting on Cambodia, to be convened in Jakarta within the framework of the Paris Conference. They expressed their hope that this meeting, together with the work currently underway among the five Permanent Members of the UN Security Council, will succeed in taking the negotiating process forward, thus paving the way for the reconvening of the Paris Conference.

Indochinese Asylum Seekers and Displaced Persons

11. The Ministers shared the view that the plight of those who have fled from Indochina, including those still in camps in ASEAN countries and Hong Kong and civilians displaced on the Thai-Cambodian border, remained a cause of serious international concern.

12. The Ministers affirmed that the continuing influx of asylum seekers and displaced persons from Indochinese countries imposes an intolerable burden on countries and places of first asylum in the region. They reaffirmed their commitment to the Comprehensive Plan of Action (CPA) as adopted at the International Conference on Indochinese Refugees held in Geneva in June, 1989 as a multilateral arrangement for the durable solution of this problem. They emphasized that a humanitarian solution to this problem lies in the balanced and coordinated implementation of all elements of the CPA by all parties concerned.

13. Towards this end, they called on the principal country of origin to take effective measures to deter clandestine departures and ensure that the Orderly Departure Programme be the sole mode of departure. They urged resettlement countries to maintain the agreed momentum of resettlement of refugees in first asylum countries. They agreed that, as a matter of priority, there must be an early implementation of the CPA as regards the repatriation of those not qualifying for the status of refugees to the country of origin in a phased, orderly and safe manner. They welcomed the fact that on 23-24

January, 1990 the Steering Committee set up under the CPA reached agreement on modalities for the return of all non-refugees to their country of origin and called upon the parties directly concerned to settle, as soon as possible, the outstanding issue, namely the date prior to which voluntary return alone should take place.

14. The Ministers also agreed that the implementation of the provisions of the CPA must lead to the durable solution of the problem of the Indochinese asylum seekers within a definite timeframe.

15. The Ministers noted with appreciation the offer of the Philippine Government to host a new processing and transit centre for refugees. They called on the other countries concerned to extend the fullest possible cooperation to the Philippine Government to enable it to undertake this new burden of the new centre.

Afghanistan

16. The Ministers expressed their concern over the protracted conflict in Afghanistan, two years after the Geneva Agreement on the Settlement of the Situation Relating to Afghanistan and one year after the completion of the withdrawal of Soviet troops. The Ministers called on all parties concerned to intensify their efforts towards a comprehensive political settlement based on the full and consistent implementation of the Geneva Agreements. They stressed the need for an intra-Afghan dialogue with a view to establishing a fully representative Government in which all segments of the Afghan people would take part. They confirmed their support for the United Nations Secretary-General in the efforts he is making to facilitate a settlement.

Middle East

17. The Ministers discussed the recent developments in the Middle East and in particular the Arab-Israeli conflict and the Palestinian question. They expressed their grave concern over the deterioration of the situation in the occupied territories. They stressed the

urgency of a settlement which would uphold the right to security of all States in the region, including Israel, that is to say, to live within secure, recognised and guaranteed frontiers, and would uphold justice for all the peoples of the region, which includes recognition of the legitimate rights of the Palestinian people, including their right to self-determination with all that this implies, in accordance with UN Security Council Resolutions 242 and 338.

18. They noted that since their last meeting significant developments have taken place on the international political scene, which have opened up new opportunities for action by the international community with a view to achieving a comprehensive and just solution to the Arab-Israeli conflict. In this context, the ASEAN Ministers welcomed the positive approach of the EC as set out in the Madrid and Strasbourg Declarations.

19. The Ministers reaffirmed their support for an International Conference, under the auspices of the United Nations, which would provide an appropriate forum for negotiations on a peace settlement.

20. The Ministers voiced their deep concern over the continuing tragedy in Lebanon. They reaffirmed their support for the full sovereignty, territorial integrity and national unity of Lebanon. They considered that there is no alternative to the national reconciliation envisaged in the Taif Agreement and urged that all will contribute to its peaceful achievement through dialogue.

21. On the Iran-Iraq situation, the Ministers noted that, while the ceasefire which entered into force in 1988 was still being observed, progress towards an overall resolution of the conflict remained stalled due to continuing differences in interpreting the implementation of the provisions of Security Council Resolution 598. They called upon the two States to resume the negotiations under the auspices of the UN and expressed their support for the efforts of the UN Secretary-General.

Southern Africa

22. The Ministers reiterated their total rejection of the system of apartheid which represents a crime against the conscience and dignity of mankind and reaffirmed their commitment to its complete eradication, so that in its place a new, non-racial, united and democratic society could be built. They observed that the initiation of a national dialogue with the genuine representatives of the black majority of the South African people has become increasingly urgent. While welcoming the recent lifting of the ban on the ANC and other organisations and the release of Mr. Nelson Mandela, they were of the view that more needed to be done in order to establish a climate conducive to a meaningful dialogue. The Ministers reaffirmed that their common objective was the complete and peaceful eradication of the apartheid system and that, pending evidence of clear and irreversible change to this end, appropriate pressure should be maintained on the South African Government.

23. The Ministers rejoiced at the successful implementation of the UN Plan for Namibian Independence, based on UN Security Council Resolution 435, thus ending one of the longest and most difficult chapters in the annals of decolonisation. They looked forward to the imminent accession of Namibia to full sovereignty and independence and welcomed the prospect of Namibia joining the UN as its 160th member-state.

ASEAN-EC RELATIONS

24. The Ministers reviewed the activities being implemented within the framework of their bilateral relations and noted with satisfaction the progress made in the various fields. The Ministers were encouraged that the ASEAN-EC Cooperation Agreement was renewed for another period of two (2) years effective from October, 1989 demonstrating the strong commitment of the two sides to strengthen further their relations. In this regard, the Ministers agreed that the private sector should assume a greater role in enhancing ASEAN-EC economic cooperation.

25. The Ministers noted that sustained growth in both regions was closely linked to open market policies and to trade and continued efforts to further liberalize the multilateral trading system under the GATT.

26. The Ministers recognized that the completion of a European Single Market could constitute a major opportunity for trading partners, including ASEAN countries, as a source of economic growth and trade opportunities. The Ministers welcomed the information workshops on 1992 held in ASEAN under Community sponsorship and agreed to exchange information on a continuing basis.

27. The Ministers noted the progress made in the general economic development of ASEAN countries and noted the growing importance played by industrial and services sectors in furthering national development.

28. While recognising that ASEAN-EC relations have diversified and registered impressive progress, the Ministers agreed that a review of existing cooperation was needed to chart the course of ASEAN-EC relations to meet the challenges of the 90s, notably by on the one hand strengthening the impact of economic, financial and industrial cooperation, human resource development and science and technology programmes and by increasing trade flows and investments and by encouraging participation of the private sector, and on the other hand, continuing to stress assistance to the poorer segment of the rural population. The Ministers noted with interest the formation of a private sector Steering Committee on the European side for the European-ASEAN Business Council. The Ministers also agreed that participation of women in the development process and environmental protection should be given special attention.

Market Access and Trade Promotion

29. The Ministers noted the positive sign in EC-ASEAN relations demonstrated by the increase in trade flows between the two regions since the 7th Ministerial Meeting, particularly for industrial products. In order to take advantage of the new opportunities in both regions the Ministers shared the view that efforts should be intensified to improve market access in both regions.

30. The ASEAN Ministers requested the EC to provide better market access and a more open trade policy for textiles and clothing, tropical vegetable oils, cocoa products, canned pineapple, timber products, tapioca products, abaca, pulp, and fuel wood through reduction of tariffs, elimination of non-tariff barriers and elimination of tariff escalation. The ASEAN Ministers also requested the EC to take into account agricultural products of export interest to ASEAN in its implementation and review of the CAP.

31. The EC Ministers considered that market access questions are an element of the global process of trade liberalization within the Uruguay Round.

32. The EC Ministers requested ASEAN to sign the MTN agreements (technical barriers, government procurement, etc.) and to provide improved market access for products such as motor cars, personal computers, paper, textiles and clothing, fertilisers, pharmaceuticals and chemical products through reduction of tariffs and elimination of non-tariff barriers.

33. The EC Ministers also requested that access to supplies of ASEAN raw materials for manufacturing in the EC be maintained.

34. The Ministers agreed that problems or shortcomings in bilateral trade relations should be taken up by the ASEAN-EC Joint Trade Experts Group at JCC Meetings.

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35. The Ministers agreed that the EC GSP scheme was an important tool to diversify and increase ASEAN exports to the EC. The ASEAN Ministers noted the greater flexibility made in the ECs 1989 and 1990 GSP schemes, notably the move towards a Community-wide system and further access in some EC sensitive sectors. The Ministers noted that the cumulative rule of origin for ASEAN in the EC GSP Scheme has just come into force. The ASEAN Ministers requested that the donor country content be included in the GSP scheme.

36. The ASEAN Ministers expressed appreciation to the EC for its assistance in ASEAN's trade promotion programmes which were intended to enhance ASEAN exports to the EC and third countries. The Ministers agreed that in future fewer, but more in-depth, pluriannual programmes should be launched.

Industrial Cooperation and Investment Promotion

37. The Ministers noted that ASEAN was a vital component in the vibrant and dynamic Asia Pacific region and represented a rapidly expanding area of special interest to European investors. The Ministers expressed their conviction that many opportunities are available in the ASEAN region and advantage could be taken of the privileges granted under the ASEAN industrial programmes. The economic and investment environment has improved in ASEAN since the 7th Ministerial Meeting. There was agreement that favourable investment conditions would further stimulate private sector investment in ASEAN countries. The Ministers recognised that industrial cooperation should be accorded high priority in the ASEAN-EC dialogue relations as it would be instrumental in forging constructive economic ties that would be mutually beneficial to both regions.

38. Further to the plan of action proposed in the EC-ASEAN Joint Memorandum on Industrial Cooperation, the Ministers noted the intensification of initiatives taken to strengthen business and investment contacts between the ASEAN and EC through seminars, exchange

programmes and industry specific workshops, specially directed at the medium and small business. The Ministers directed that the next JCC should integrate the various projects into a coherent industrial cooperation programme. In view of the new incentives provided under the ASEAN Industrial Joint Ventures (AIJV) scheme, the Ministers urged the active participation from private sectors of both sides in developing viable AIJV projects.

39. The Ministers noted the role of the Joint Investment Committees in each ASEAN capital in promoting joint activities. The Ministers agreed that ASEAN and the EC should encourage their respective private sectors to assume a greater role in the JICs. A comprehensive data bank of available industry sector studies will be soon completed for each ASEAN country and put at the disposal of ASEAN and EC business communities to encourage their involvement in the industrial development in ASEAN.

40. The Ministers noted with satisfaction that the "EC International Investment Partners" is now operational in its pilot phase and promotes the establishment of Joint-Ventures together with ASEAN or EC financial institutions. The ASEAN region has been the major user of the facility since it started. The Ministers also noted that the facility could be actively promoted for ASEAN initiated projects with the participation of ASEAN merchant banks and other financial institutions.

Science and Technology Cooperation

41. The Ministers recalled that since 1987 emphasis has been placed on the generation and support of joint scientific research projects, the ultimate goal of which is to create permanent links between the scientific communities of the two regions. The Community has placed at the disposal of ASEAN research institutes and scientists two preparatory instruments to facilitate the definition of joint research projects: the post-doctoral fellowship scheme and the organisation of workshops. A series of workshops in biotechnology, quality of life and natural resources has been identified.

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42. In addition, a considerable thrust has been given specifically to EC/ASEAN joint research in tropical medicine and tropical agriculture with the support of the Community's "Science and Technology for Development Programme".

43. The ASEAN Ministers expressed their appreciation for the continuing contributions made by the EC to the ASEAN-EC Cooperation in science and technology. Given its importance, the Ministers emphasised the need to further develop programmes in this field. To this end, they recommended that the ASEAN Plan of Action on Science and Technology be used as a basis.

Human Resource Development

44. The Ministers agreed that in view of the rapid economic and technological changes and the need of ASEAN for qualified personnel such as scientists and engineers to support their economic development, human resource development should continue to be accorded priority and therefore an assessement and review of ASEAN-EC HRD Programmes be undertaken expeditiously.

45. Following decisions taken at the 7th Ministerial Meeting, steps have been taken to establish the EC/ASEAN Management Centre, based in Brunei Darussalam. The Ministers noted that the establishment agreement will be signed soon.

46. Recalling the importance of the participation of women in the development process, the Ministers agreed that all opportunities to promote the role of women should be taken.

47. The Ministers noted that EC-ASEAN Energy Centre in Jakarta had started its programme of activities. They believed that these and other centres would further strengthen the EC presence in the region.

Regional Projects

48. The ASEAN Ministers expressed their appreciation for the important contribution by the EC in the field of development cooperation and hoped that this cooperation would be expanded both in scope and depth in regional projects open to all its member states.

49. The Ministers noted that two regional cooperation projects have become operational since the 7th Ministerial Meeting: the ASEAN Aquaculture Development Programme, to improve productivity through know-how and technology transfer in fish farming and the EC-ASEAN Industrial Standards and Quality Control Programme.

ASEAN-EC Ministerial Meeting on Economic and Trade Matters

50. The ASEAN Ministers proposed that, given the rapid changing international economic situation and the expansion of ASEAN-EC economic and trade relations, an ASEAN-EC Ministerial Meeting on Economic and Trade Matters be convened as soon as possible.

51. Taking note of this proposal, the EC Ministers stated that the Community is in principle open to participate in such an ad hoc meeting. It was agreed that each side would designate its Ministers according to the traditions in the various States participating.

52. The two sides would discuss through the appropriate channels the remaining details such as the date, agenda, and how best to integrate the work of the Meeting with that of the AEMM.

REGIONAL ECONOMIC ISSUES

The European Single Market of 1992

53. The ASEAN Ministers noted that the EC was actively working towards the establishment of the European Single Market by 1992 and that by the beginning of 1990 some 60% of the programme had been achieved.

54. While welcoming the trade and investment opportunities created as a result of the removal of internal barriers, the ASEAN Ministers expressed concern over possible adverse impact of the Single Market on ASEAN trade with the EC. The EC Ministers assured them that the EC would remain open to its trading partners because of its commitment to the multilateral trading system and that the Single Market would lead to an improvement of EC competitiveness and further stimulate the liberalisation of world trade. The ASEAN Ministers welcomed this assurance and agreed that ASEAN and the EC were dependent on export-led growth and therefore any move towards liberalising trade could only be beneficial to both regions.

55. The Ministers noted that the "Colloquium on ASEAN and Europe 1992: Implications and Responses" was held in Kuala Lumpur from July 10 - July 11, 1989. The Ministers agreed that sector specific workshops on the impact and opportunity of the Single Market on ASEAN's trade and investment interests with the EC, be held in ASEAN capitals. The ASEAN Ministers informed their EC counterparts that an ASEAN Technical Experts Group is being established to monitor and appraise developments on the evolution and harmonization of standards in the EC which will involve exchange of views.

Asia-Pacific Economic Cooperation

56. The ASEAN Ministers informed the EC Ministers on the outcome of the initial exploratory Ministerial level Consultative Meeting on the Asia-Pacific Economic Cooperation (APEC) which was held in Canberra from 6 - 7 November 1989.

57. The Community indicated that as a major trade partner of the Asia-Pacific region, it has followed the discussions on this issue with great interest.

INTERNATIONAL ECONOMIC ISSUES

58. The Ministers had a wide ranging exchange of views on the current international economic situation.

59. The Ministers noted the European Community's commitment to support the countries of Central and Eastern Europe which are seeking a new direction towards democratically based open market economies. Concerns were expressed that trade, investment and development assistance flows from the EC might now be diverted from ASEAN to Eastern Europe. Assurances were given that the new relations between the Community and Central and Eastern Europe would not in any sense lessen the Community's longstanding commitment to ASEAN. The two sets of relationships are complementary.

60. The Ministers welcomed the convening of the special session of the General Assembly devoted to international economic cooperation, in particular to the revitalization of the economic growth and development of the developing countries, in New York from 23-27 April 1990. The Ministers agreed that, besides providing policy guidelines for the economic activities of the United Nations system, this special session is also another effective means of promoting multilateral cooperation, embodying new approaches and reflecting new spirit in international cooperation.

Uruguay Round

61. The Ministers acknowledged that the current Uruguay Round of Multilateral Trade Negotiations (URMTN) was approaching its final and crucial stage and that it was an important avenue towards trade liberalisation and expansion as well as to counteract protectionism. They recognised that a successful conclusion of the URMTN would have an important bearing on the future of GATT and the multilateral trading system. They reaffirmed their strong commitment to the conclusion of the Round by December, 1990 taking into account the areas of interest to the developing countries. To this end, the Ministers agreed that ASEAN and the EC will continue to be constructive in the final phase of the negotiations and urged other participants to do likewise. To ensure the success of the Round, considerable joint efforts must be undertaken so that its outcome could be meaningful and beneficial to all participants.

62. The ASEAN Ministers expressed their concern that progress in the various Negotiating Groups had been severely imbalanced. Negotiations on areas which are of particular interest to developing countries have lagged far behind those which are of interest to developed countries. They stressed the need to redress such imbalance immediately. In this regard,the ASEAN Ministers expressed the hope that negotiations will be expedited in the areas of their concern, particularly tropical products, agriculture, textiles and clothing and international trading rules including anti-dumping and countervailing measures, and sought the cooperation of the EC to achieve this objective, in particular they requested further concessions on tropical products as a matter of first priority.

63. The EC Ministers took note of these concerns. The Community approach was to achieve a balanced overall result covering all sectors including new areas such as Trade in Services, Trade Related Aspect of Intellectual Property Rights (TRIPs) and Trade Related Investment Measures (TRIMs). The EC Ministers recalled the Community's substantial contribution to the first liberalization package on tropical products and its commitment to further liberalization in this sector on the basis of contributions from all participants. With a view to achieving a better balance of obligations among all contracting parties, the Community expected the developing countries, especially the most advanced, to make effective market openings such as tariff reductions and bindings, and to conform to existing GATT disciplines - suitably reinforced in certain fundamental aspects thus ensuring fair and equitable competition.

64. The ASEAN Ministers reiterated their support for the Cairns Group's comprehensive proposals on agriculture, which they considered to be the most reasonable and realistic basis for further negotiations in this area. While taking note that the EC had also tabled a proposal on agriculture recently, they expressed concern that the introduction of the concept of rebalancing in this proposal would have very serious adverse effects on some of ASEAN's major exports, such as tropical vegetable oils and tapioca products.

65. The EC Ministers took note of this concern. The concept of rebalancing was one of the major elements of the Community's negotiating position on agriculture in the Uruguay Round. It had been put forward by the Community with a view to a better balance of obligations amongst all the Contracting Parties.

66. The Ministers agreed that special and differential treatment for developing countries was an integral element of the negotiations as expressed in the Punta del Este declaration and reaffirmed at the mid-term review meeting, and was particularly important to the meaningful and active participation of the developing countries in the Round.

Commodities

67. The Ministers noted that instability in market prices for some commodities had produced adverse effects on the export earnings of some developing countries. They stressed the need for international cooperation and national efforts to deal effectively with commodity problems.

68. The Ministers underscored the importance of enhancing cooperation in the development of resource-based industries in the ASEAN region to intensify downstream activities towards achieving more value-added products. The ASEAN Ministers sought the EC's continued support on this development process in terms of providing investment and project financing, transfer of technology and marketing for such processed and semi-processed products. The Ministers agreed to continue to encourage small and medium sized EC industries which utilized such raw commodities to invest in this region.

69. The Ministers placed high priority on cooperation towards the development of the mineral sector, particularly in training and transfer of technology. For this purpose, the ASEAN Ministers requested the EC to jointly organise and finance seminars and workshops on the development of the mineral sector in this region.

70. The Ministers recognized the importance of intensifying research and development activities to find new uses and application for commodities and therefore, agreed to enhance cooperation in these efforts. The ASEAN Ministers sought the EC cooperation and support on such research and development efforts.

71. The Ministers noted that the European Council Meeting at Strasbourg in December 1989, had urged a resumption of negotiations on the renewal of the International Coffee Agreement as soon as possible. The Community, for its part, affirmed its resolution to adopt a flexible approach and to have regard to the economic and political importance of arriving at an appropriate solution.

DRUGS

72. The Ministers underlined their deep apprehension and concern over the growing problem of drug abuse and the escalation of illicit trafficking in drugs. The Ministers expressed their resolve to undertake concerted and coherent action to tackle this deadly scourge. The Ministers were informed of the principal elements of the Community's programme on North-South cooperation in this field and agreed that over and above the action being taken at regional level an effective solution had to be sought at international level. They welcomed the adoption of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and called for its prompt and effective application. They urged the signatory parties to immediately proceed to the process of ratification and urged those countries that have not yet signed to do so.

73. The Ministers also welcomed the initiative taken by the Commonwealth Heads of Government at its Meeting in Kuala Lumpur from 18-24 October, 1989. They expressed strong support to the Commonwealth's decision to promote more effective national and international action on a number of key issues especially those related to the enactment of appropriate legislation on drug trafficking, money laundering, the

confiscation of illicit assets of convicted drug trafficker, crop substitution programmes and mutual legal assistance. In addition to these actions to curb the availability of drugs, they agreed that an equally important element that should be addressed urgently was the question of global demand for drugs.

74. The Ministers also welcomed and pledged their full support of the recent UNGA resolution to hold a special session of the General Assembly to consider the question of international cooperation against drugs from 20-23 February 1990 in New York. They further agreed that the special session should produce a political declaration and a concrete and realistic global programme of action which would deal with all aspects of the drugs problem.

75. The Ministers commended and welcomed the initiative of the British Government to host a World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat from 9-11 April 1990 in London.

76. The Ministers noted with satisfaction the continued cooperation and collaboration between ASEAN and the EC on drug matters. The ASEAN Ministers expressed their appreciation to the EC for its assistance for the ASEAN-EC drug related projects in the areas of drug prevention, treatment and rehabilitation.

ENVIRONMENT

77. The Ministers recognised that threat to global environment is a shared responsibility which requires urgent and appropriate international action. They agreed that the protection of the environment should be viewed in a balanced perspective and that due emphasis be accorded to promoting economic growth and sustainable development.

78. The Ministers noted that, the ASEAN Heads of Government at their Third Summit in Manila in December, 1987 had adopted the principle of sustainable development, including the incorporation of environmental concerns into economic planning and policies and agreed to integrate sustainable development into economic activities of ASEAN.

79. The Ministers also noted that the European Environmental Agency would become operational in the current year and will provide a valuable source of advice, expertise and assistance.

80. The ASEAN Ministers were informed that the EC has taken, or is in the process of taking, a number of decisions of immediate effect, in particular with regard to global environmental protection:

- the early implementation of, and at a faster rate, the Helsinki decisions on the eradication of chloroflurocarbons;

- the launching of a programme of action on the "green house" effect;

- accession to the Basle Convention on movements of dangerous waste and its strict application in respect of the export of such waste to the developing countries;

- the drawing up of a programme for tropical forest assistance.

81. These actions, coupled with support for international negotiations and the integration of environmental issues into mutually beneficial cooperation with developing countries were indicative of the European Community's strong commitment to the preservation of global environment.

82. The Ministers agreed that to ensure a more integrated approach to environmental and development problems, developing countries' ability to respond to environmental concerns must be strenghtened. In this context, they agreed that environment concerns should be a major issue but should not be used to introduce a new form of conditionality in aid and development financing. The EC Ministers also agreed to consider assisting

the upgrading of ASEAN's facilities, capabilities and expertise in the areas of management of natural resources and environment monitoring through technical and financial assistance.

83. The Ministers noted with great interest the Langkawi Declaration on Environment issued by the Heads of Government of the Commonwealth in October 1989, and strongly welcomed the programme of action contained in the Declaration and the convening of the UN Conference on Environment and Development in 1992. They also welcomed the convening of the Asia Pacific Ministerial Conference on Environment organised by ESCAP which is scheduled to take place in Thailand in the later half of 1990.

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Items 94 and 144 of the preliminary list*
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION
PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 23 February 1990 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the letter of the Federal Secretary for Foreign Affairs of the Socialist Federal Republic of Yugoslavia, Mr. Budimir Lončar, dated 22 February 1990, in connection with the telegram addressed to you by the Minister of Foreign Affairs of the People's Socialist Republic of Albania, distributed as an official document of the General Assembly, under items 94 and 144 of the preliminary list, and contained in the annex to document A/45/111-S/21132.

I should be grateful if you would have the present letter and the annexed letter of the Federal Secretary, Mr. Budimir Lončar, distributed to the States Members of the United Nations as an official document of the General Assembly under items 94 and 144 of the preliminary list, and of the Security Council.

(Signed) Dragoslav PEJIĆ
Ambassador

* A/45/50.

ANNEX

Letter dated 22 February 1990 addressed by the Federal Secretary for Foreign Affairs of Yugoslavia to the Secretary-General

The telegram dated 2 February 1990 addressed to you by the Minister of Foreign Affairs of the People's Socialist Republic of Albania, Mr. Reis Malile, was circulated as a document of the United Nations. I noted with regret that the telegram contains gross disinformation and groundless attacks on the Socialist Federal Republic of Yugoslavia, in an attempt to mislead the United Nations and you personally. I feel, therefore, all the more obliged to contribute to an objective understanding of this complex and sensitive problem.

As you are undoubtedly aware, a part of my country - the Socialist Autonomous Province of Kosovo - where the Albanian nationality constitutes the majority of the population, has a wide autonomy, guaranteed by the Constitution and realized in practice. The Albanian nationality, which is a national minority in Yugoslavia, enjoys the same rights as all other Yugoslav nations and national minorities. The Albanian language is used in the SAP of Kosovo, on the basis of full equality, in education, including at the University, in public administration and the judicial system, in the press, on the radio and television, as well as in other scientific and cultural institutions of the Province. Representatives of the Albanian nationality are equitably represented not only in the governmental organs of the SAP of Kosovo and the Socialist Republic of Serbia, of which the Province is a part under the Constitution, but also in all federal bodies, such as the Assembly of the SFR of Yugoslavia, the Presidency of the SFR of Yugoslavia and the federal Government. Persons of Albanian nationality have so far held the positions of Head of State and President of the Federal Assembly. They have headed diplomatic missions, held high positions in the army and the security services. Similar examples in the practice of other countries are not very frequent.

Throughout the post-war period, as at the present time, Yugoslavia has devoted special attention to the acceleration of economic, social and cultural development of the SAP of Kosovo, allocating huge resources for this purpose. Despite the progress achieved, Kosovo is still the least developed part of Yugoslavia, with low productivity and by far the highest birth rate in Europe, as well as other problems stemming primarily from the legacy of the past.

Unfortunately, Kosovo is also the scene of activities of extreme nationalistic and separatist forces from the ranks of Albanian nationality, which are inspired, and instigated, from abroad, with the ultimate goal of secession of Kosovo from the SR of Serbia and the SFR of Yugoslavia. This, as you will no doubt agree, poses a threat to my country's territorial integrity and constitutional order. These forces resort to violence, use of arms and acts of destruction, with elements of terrorism, thus endangering the rights and freedoms of citizens and the normal functioning of democratic institutions of the system. In an attempt to create an ethnically pure Kosovo, they have for years exerted and intensified pressure on Serbs, Montenegrins and other nations, who are being forced to leave Kosovo in

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large numbers. In the atmosphere of pressure and fear, thousands and thousands of these citizens have left Kosovo and this process, in spite of all the measures taken, has not been stopped. For all these reasons, the situation in Kosovo is on the brink of an inter-ethnic armed conflict that would certainly cause many casualties.

Precisely such a situation has developed recently. In such circumstances, the responsibility of the Yugoslav State to use the necessary means to ensure peace and security for all citizens in that part of Yugoslavia, as would any other State based on the rule of law, is clear. Understandably, we deeply regret the victims. However, the continuation and escalation of unrest had to be prevented, for it would have caused far more serious consequences.

The peace and tranquillity of all citizens of Kosovo, regardless of their nationality or religion, is a natural pre-condition for the normal functioning of democratic institutions and the enjoyment of human rights, as well as for unhampered economic and other activities. Moreover, law and order in Kosovo are also an essential pre-condition for the realization of our main objective at this moment - the implementation of the Yugoslav programme of profound economic and political reforms and full democratization of society, thus including Kosovo.

I consider that a stable and prosperous Yugoslavia, with political freedoms and human rights whose further promotion is based on the results already achieved, is not only in Yugoslavia's own interest, but also in the broader interest. We are making great efforts to ensure the unimpeded course of these positive democratic processes in my country, as part of deep transformations in Europe and in the world. It is natural that we should expect understanding and support in that regard, before all others, from neighbouring countries.

The position of the most responsible representatives of the PSR of Albania, which objectively encourages those who create the destabilization in Kosovo, is, to say the least, all the more surprising, since the undermining of the stability in the region is certainly not in the national interest of that country either. We have repeatedly drawn the attention of the Government of the PSR of Albania to that fact.

I would not wish to compare on this occasion human rights and freedoms in Kosovo, that is, the rights and freedoms enjoyed by Albanians in Yugoslavia, with the situation in Albania in that respect, or the status of the Albanian nationality in Yugoslavia with that of the Macedonian, Montenegrin, Serbian and other national minorities in Albania. Similarly, I do not wish to pose the question as to whether it is moral to encourage unrest among Albanians in Yugoslavia and thus jeopardize their lives as well.

Finally, let me stress that the policy of developing good-neighbourly relations remains a lasting orientation of the SFR of Yugoslavia and that we will continue, in that spirit, with the efforts to promote relations and co-operation with all neighbouring countries, including the PSR of Albania, on the basis of the same principles and with the same objectives. Along these lines, Yugoslavia will

continue to contribute to the advancement of regional co-operation, confidence and understanding in the Balkans, thus contributing to the further improvement of relations in Europe.

Of course, Yugoslavia's efforts alone are not sufficient. Confidence and co-operation require the good will and efforts of both sides. This, too, has been pointed out to the Government of the PSR of Albania on many occasions. In this connection, we would like to believe that the present letter too would help inspire the kind of wisdom and responsibility that are indispensable in relations between neighbours.

I would kindly request you to circulate the present letter as a document of the United Nations.

(Signed) Budimir LONČAR

UNITED
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General Assembly Security Council

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A/45/140
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23 February 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Items 94 and 144 of the preliminary list*
ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
PEACEFUL SETTLEMENT OF DISPUTES
BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 23 February 1990 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General

In connection with the letter of the Federal Secretary for Foreign Affairs of the Socialist Federal Republic of Yugoslavia, Mr. Budimir Lončar, I sent to you today (A/45/139-S/21163), and the question dealt with therein, I have the honour to transmit to you excerpts from the statement of Dr. Janez Drnovšek, President of the Presidency of the Socialist Federal Republic of Yugoslavia, made in the Assembly of the Socialist Federal Republic of Yugoslavia on 7 February 1990 (annex I), from the concluding remarks by the Vice-President of the Presidency of the Socialist Federal Republic of Yugoslavia, Dr. Borisav Jović, made in the Assembly of the Socialist Federal Republic of Yugoslavia on 8 February 1990 (annex II), and from the conclusions of the Assembly of the Socialist Federal Republic of Yugoslavia of 9 February 1990 relating to Kosovo (annex III).

I should be grateful if you would have the present letter and the annexed documents distributed as an official document of the General Assembly under the same items as the aforementioned letter of the Federal Secretary, and of the Security Council.

(Signed) Dragoslav PEJIĆ
Ambassador

* A/45/50.

ANNEX I

Excerpts from the statement made on 7 February 1990 by the President of the Presidency of Yugoslavia in the Assembly of Yugoslavia

Recent developments in Kosovo compel us to examine once again the situation there with special attention and also to review our policy on Kosovo. It is obvious that the situation in Kosovo has not been improving. It is with added vehemence that all the manifestations and consequences of the prolonged crisis which has beset the country are felt.

In January this year, despite the express prohibition of the SFRY Presidency, there were massive demonstrations, suspensions of work and instances of violence throughout the province of Kosovo. According to the assessments both received and made by the Presidency, these demonstrations were characterized by Albanian nationalism and separatism.

The SFRY Presidency continuously followed the situation and insisted on the consistent implementation of the measures which remained in force even when other measures were implemented. The request of the SFRY Presidency of 29 January 1990 for the immediate end of demonstrations, and strikes, as well as of all forms of violence and threats to the personal security and property of all the citizens of the SAP of Kosovo, was not met with understanding and support. On the contrary, the situation in the Province continued to deteriorate.

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All this caused great concern and bitterness in the SR of Serbia and in other parts of the country and strengthened the demands that the State intervene with all means available. The Serbs and Montenegrians even started organizing themselves, within the SAP of Kosovo and outside it, and evacuating women and children. Further emigration took place, which can be taken as a lack of confidence in the functioning of legitimate organs. This created possibilities for new and even graver inter-ethnic conflicts.

That is why the SFRY Presidency has decided to resort to measures which would be more efficient, which would put an end to rallies and demonstrations leading to the eruptions of violence, in order to establish public law and order and ensure personal security and property of citizens threatened, protect facilities and particularly important traffic routes, as well as settlements of Serbs, Montenegrians and other nations and national minorities.

Among other things, the SFRY Presidency, having assessed the situation and following the proposal of the Federal Secretariat for National Defence, decided that units of the Yugoslav People's Army should be organized to undertake planned and, as appropriate, special exercises, activities and movements in the territory of the SAP of Kosovo. The purpose of these activities was to help calm down the situation and prevent any violence and acts of terrorism and exert thereby a stabilizing influence both in Kosovo and in the entire country.

Last week, the Federal Executive Council also submitted to you a comprehensive report on the situation in Kosovo and on the measures within its competence it had undertaken, intended to open up the process of a comprehensive solution of the Kosovo problem. I will not therefore specifically dwell on that.

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The task which is before us now is to steer clear of extreme approaches and propose such an approach to the solution of the Kosovo problem as would be acceptable to Yugoslavia as a whole. Such an approach could be based on the following:

1. The SFRY Presidency wishes to stress on this occasion too its resolve and its responsibility to protect with all the means at its disposal the constitutional order and integrity of the SFRY and ensure further democratic, economic and social transformation of our country in peace and without pressures;

2. Intervention by state agencies is necessary and shall be resorted to in countering the acts of violence which threaten the constitutional order and when its purpose is to prevent inter-ethnic conflicts. The security of persons of all nationalities must be guaranteed and this will prevent various forms of pressure for their moving out. We must ensure the proper functioning of institutions of the legal state, and thereby law and order in Kosovo.

3. Intervention by state agencies must be fair. Not even under aggravated circumstances may there be any abuse on their part.The SFRY Presidency has already stated that all the cases of casualties and wounded during the latest events in Kosovo will be looked into by a commission and the public will be duly informed about any abuse of power or irregularities. In this context, we invite all the citizens of Kosovo to help the state agencies in dealing with the complex situation in this Province and to behave so as to make it easier for them to carry out their duties.

We have pointed out on a number of occasions the fact that under the complex circumstances in Kosovo the independent and timely action of the judiciary is of special importance.

4. Once the situation in Kosovo is stabilized, the conditions will be created for the SFRY Presidency to lift the special measures which have been in force so far. Everything possible will be done to guarantee the permanent security of all the inhabitants of Kosovo, and the state will intervene again if violence should escalate, the security of the citizens of Kosovo be threatened, or should the risk of inter-ethnic conflicts arise.

5. To resolve the situation in Kosovo, it is necessary to restore confidence among the members of all the nations and national minorities in Kosovo, the Albanians, Serbs and Montenegrins and others who used to live together in Kosovo for a long time as good neighbours. It goes without saying that the problem of Kosovo cannot be solved in a lasting, stable and peaceful way on the assumption that state agencies alone will take care of the security of all the inhabitants of Kosovo. A dialogue should be initiated with all the people of Kosovo who want the peaceful solution of the problem and who want to live in harmony with others in Kosovo as well as in Yugoslavia.

In such a dialogue, naturally, there is no place for hard-line nationalists to whom national affiliation is primordial and who have put all their actions in the service of nationalism. We offer dialogue to all those who accept the logic of common sense, who are aware of the fact that problems cannot be resolved by force and who are ready to contribute to the further development of Yugoslavia on the basis of the political and economic objectives of our reform. The implementation of the political and economic programme that we are offering will create objective conditions for the solution of the Kosovo problem. Under such circumstances, we should make cooperation between all political parties and associations possible, provided that their activities do not lead to a further deepening of

inter-ethnic contradictions and the forcible destruction of the existing constitutional order, but to a harmonious and peaceful life together in Kosovo. We expect that the further democratic transformation of our political system will entail a further evolution of the democratic and pluralistic forms of resolving problems in Kosovo as well.

6. The responsibility of the provincial, republic and federal agencies entails charting a different development concept for Kosovo, which will not, like so far, lead to an accentuation of the national factor and to increasing divisions on a national basis and thus to new inter-ethnic conflicts in Kosovo. The potentials of Kosovo should be redirected towards such developmental possibilities which would ensure people's existence and within which people would not dwell only on irrational national issues, but on the objective economic and other social and developmental problems of Kosovo. We shall consistently observe the principle of equality of our nations and nationalities, which of course means that in Kosovo no nation or nationality may be brought into a subordinated position.

7. The successful implementation of the current economic programme should ensure the stabilization of the entire Yugoslav economy, and, within that, of the Kosovo economy as well. The foundations are being laid for new and stable economic growth. In the period that lies ahead we will be able to activate a new developmental cycle which will make possible the decrease of social tensions in the country as a whole, especially where they are most pronounced, i.e. in Kosovo. New economic activities should redirect the energy now being spent on irrational nationalism towards activities leading to a better life in the future. In that context, the SFRY Presidency has already requested the Federal Executive Council to prepare a new

economic programme for Kosovo. We proposed that in the formulation and implementation of a new developmental programme for Kosovo, which would include the solution for the problem of demographic explosion, the international financial and expert institutions, especially the World Bank, should be included. Certain activities aimed at facilitating the position of Kosovo are already under way. For instance, within the framework of the rehabilitation programme of the entire financial system, the rehabilitation of the Kosovo Bank, which should be the basis for the financial consolidation of the entire economy of Kosovo, is emphasized. It is indispensable that in this process all strikes, which are now blocking the economy of Kosovo and making its consolidation difficult, should stop.

ANNEX II

Excerpts from the concluding remarks made on 8 February 1990 by the Vice-President of the Presidency of Yugoslavia in the Assembly of Yugoslavia

It is clear that the fate of Yugoslavia centres today around the problem of Kosovo. Most of the speakers made such references. As it can be seen here today, the question of Kosovo reflects the entire Yugoslav drama. Kosovo has become the barometer of the political climate in Yugoslavia, but also - on a note of self-criticism - in a considerable measure, the victim of conflicts between the republics.

It is incumbent upon all of us to seek to resolve the problem of Kosovo and to prevent its worsening.

For all our differences, there is a large degree of agreement that the territorial integrity of the country and its constitutional order are at stake in Kosovo. The most sacrosanct things, for which we are jointly responsible before the whole country and before all its nations and nationalities are in question. That "game" in Kosovo has lasted long. The most recent events were spurred, unfortunately, whether we want to admit it or not, by the differences and splits which have become evident. Instead of discord and quarrels about Kosovo, we need to talk about ways of achieving a more efficient implementation of adopted programmes, as well as new programmes for the development of Kosovo and for the resolution of its numerous long-term problems.

The assessment by the Presidency of the SFR of Yugoslavia of the demonstrations and riots in Kosovo over the past few days, leaves no doubt whatsoever that an attempt was made by the separatists to topple

the legally elected leadership of Kosovo by force. We should bear in mind that 80 per cent of that legally elected leadership of Kosovo are Albanians. Therefore, the problem with the separatists is not the national composition of the leadership of Kosovo, but its Yugoslav orientation and, let us be frank, the fact that it recognizes the Socialist Republic of Serbia and does not approve of the slogan "Kosovo - Republic". So, their aim is first to take the power and then use it to pursue further the well-known separatist goals.

As far as the taking of territory or power is concerned - and there were such attempts in the past few days, - the Presidency of the SFR of Yugoslavia has resolutely stressed that, in any such instance, the territory and the legitimate power should be recaptured and the functioning of institutions secured, immediately and with all means at the disposal of the state, including the use of force.

The separatists' goals have not changed, regardless of the new slogans put up. In the past, they hid behind Tito. Now, they hide behind democracy, but the slogan "Kosovo - Republic" has remained crucial to them, this time with a clarification that this implies secession from Serbia and Yugoslavia. Of course, it was clarification for those who were not aware of this before.

The idea behind the separatist movement is to undermine the integrity of Yugoslavia. There is a clear continuity in that respect. In addition to the slogans they use as a front, the method of their activities, which increasingly tends to escalate into an armed rebellion, is also new. In this regard, the assessment of the separatist intentions, presented here in the Assembly of the SFR of Yugoslavia last year by the former Presidency of the SFR of Yugoslavia, proved correct, for they are being carried out.

Also new and, unfortunately, seriously disturbing is the growing disunity in the country, weakening our ability for action and facilitating nationalist and separatist activities in Kosovo. This is beyond doubt. We are all accountable for this. It is dangerous to call into question the legal means used by the state in order to ensure the functioning of the constitutional order in Kosovo, or to challenge measures taken by the appropriate government organs aimed at curbing the actions and demands of separatists. It is even worse to openly approve of them. Perhaps we are not always aware that we are thus acting to our own disadvantage.

Some of the newly established political alliances in Kosovo condone, publicly and openly, the separatist demands of the demonstrators and terrorists. There are many indications that two fronts of the same action exist - the front of the political and the front of the physical struggle to the same ends.

In this connection, if demands for more democracy are voiced, and we support and wish that, it is necessary to have peace rather than vandalism and terrorism. We can place confidence in democracy provided the rule of law is ensured. There can be no advance of democracy under the nationalist and separatist violence and unrests.

There is no doubt that the impending economic and political reforms, if implemented successfully, will help resolve the problem of Kosovo, too. But, let's not deceive ourselves, we must bear in mind that the problem of separatism is a political one, apart from all the rest, and that it is capable of surviving all our reforms if we fail to see what it is all about.

Separatists are against Yugoslavia. As such, they are not interested in our programmes, however good th[illegible] may be. Reforms can provide a more suitable setting for

resolving problems, if they are properly undestood or, vice versa, for their escalation, if the assessments are wrong.

As to the allegations relating to civil rights, everyone can see that all Yugoslav citizens, including Albanians, enjoy the same civil and national rights in our country. We are intent to help further development of those rights. However, the trouble is that they cannot be exercised in these conditions, under the constant pressure of the Albanian nationalistic and separatist activity. Civil rights are threatened by terrorist pressure, and not just the rights of those who are a minority in Kosovo, above all the Serbs and Montenegrins who continue to leave the territory, but also rights of the majority of Albanians, who have had enough of living in fear of violence. No one has the right to pronounce the entire Albanian nationality nationalistic and separatistic. It is not surprising to hear Albanians say: "It is easy for the Serbs, they have where to run away."

That is why our state had to protect this time too, and will have to protect in the future, its constitutional order and its territorial integrity, and thereby the fundamental human, civil and national rights from any nationalism and separatism, including Albanian in Kosovo.

ANNEX III

Excerpts from the conclusions of 9 February 1990 relating to Kosovo of the Assembly of Yugoslavia

1. The Assembly of the SFR of Yugoslavia assesses that the recent developments in the Socialist Autonomous Province of Kosovo which reflect the continuous activities of Albanian separatists and terrorists aimed at separating Kosovo from the Socialist Republic of Serbia and Yugoslavia, pose a direct threat to the territorial integrity and constitutional system of the country and to the human rights and freedoms of citizens, and impede the implementation of the economic reform in the country.

2. The latest events in the SAP of Kosovo have seriously disturbed all the citizens, arousing a feeling of insecurity particularly among the Serbs and Montenegrins and giving rise to a sharp increase in the number of them leaving the territory of the SAP of Kosovo. Therefore, the Assembly of the SFR of Yugoslavia calls upon all federal organs, the organs of the SR of Serbia and, in particular, of the SAP of Kosovo, to take all measures to ensure the full security of citizens and of their property in order to enable the return of those who had left Kosovo in this period, and to stop the exodus of those who intend to leave as a consequence of the above-mentioned events.

Proceeding from the existing political, security and socio-economic conditions in the SAP of Kosovo, the Assembly of the SFR of Yugoslavia supports the position of the Presidency of the SFRY regarding the enforcement of special measures, provided that their further application depends on the development of the political and security situation in the SAP of Kosovo.

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3. The Assembly of the SFRY calls upon the competent authorities to continue to take, even more efficiently and resolutely, all necessary measures at the disposal of a legal state, in accordance with their constitutional and legal powers, to create conditions for a normal functioning of government organs and unhampered economic activities and for a responsible attitude towards work in the Province, in accordance with the intentions of economic and social reform.

The Assembly of the SFRY demands the consistent application by the competent federal authorities of the Law on the movement and stay of aliens to the emigres engaged in activities contrary to the Constitution and laws of the SFRY.

4. The Assembly of the SFRY demands all those involved in the implementation of the Yugoslav Programme for Kosovo to strive for its consistent and full realization; and insists that measures and responsibility be precized for insufficient and untimely fulfilment of obligations taken. Also, a new programme of the economic development of Kosovo should be prepared.

5. The Assembly of the SFRY once again points out the need for consistent pursuance of wide-ranging socio-political activities among all citizens in the SAP of Kosovo, from the local community and work organizations up to the highest organs and organizations of the Province, in order to mobilize the masses, particularly members of the Albanian nationality, the majority of whom have a Yugoslav orientation, with a view to suppressing and preventing the aggressive actions of Albanian separatists and terrorists. Parallely with these activities, there is a need to create all necessary conditions for mutual trust, dialogue, and peaceful life together of all citizens of Kosovo, as well as for the economic, cultural and other integration and closer links of the Albanian nationality with other nations and nationalities in the SR of Serbia and Yugoslavia.

Through such activities a united front of all progressive forces (Albanians, Serbs, Montenegrins, Turks, Croats, Muslims, Romanies, etc.) will be created. This should be the decisive factor in the struggle against Albanian separatists and terrorists, for a lasting stabilization of the situation in Kosovo, as well as for the participation of all progressive forces in the democratic processes.

The Assembly of the SFRY emphasizes the need for curbing the practice of associating Albanian nationalists and separatists with the Albanian nationality as a whole, as well as for eliminating the propaganda creating ill feelings and distrust towards the Albanian nationality.

UNITED
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General Assembly

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4 April 1990

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Forty-fifth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE PROVISIONAL AGENDA OF THE FORTY-FIFTH SESSION

ADDITIONAL PROTOCOL ON CONSULAR FUNCTIONS TO THE VIENNA CONVENTION ON CONSULAR RELATIONS

Letter dated 2 April 1990 from the Chargés d'affaires a.i. of the Permanent Missions of Austria and Czechoslovakia to the United Nations addressed to the Secretary-General

We have the honour to transmit to you herewith the joint memorandum of the Federal Minister for Foreign Affairs of the Republic of Austria and the Minister for Foreign Affairs of the Czechoslovak Socialist Republic, signed at Prague, on 7 March 1990, together with the request, in accordance with rule 13 of the rules of procedure of the General Assembly, for the inclusion in the provisional agenda of the forty-fifth session of the General Assembly of an additional item entitled "Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is annexed to this request, to which the text of the draft of the Additional Protocol is attached.

(Signed) Thomas HAJNOCZI
Chargé d'affaires a.i.
of Austria to the
United Nations

(Signed) Václav MIKULKA
Chargé d'affaires a.i.
of Czechoslovakia to the
United Nations

ANNEX

Explanatory memorandum

1. The Vienna Convention on Consular Relations of 24 April 1963 is one of the most important international instruments emanating from the work of the International Law Commission. This Convention, which has proven its great value over the years since its entry into force, however, concentrates on consular privileges and immunities and lacks precise rules regarding consular functions. This lacuna is filled in by a large number of bilateral consular agreements regulating these functions in greater detail. Such bilateral agreements, useful as they are, cannot be considered as a substitute for a universal convention, as they differ in content and are only in force between certain countries.

An important task of the General Assembly is to initiate studies and to make recommendations for the purpose of encouraging the progressive development of international law and its codification. Czechoslovakia and Austria hold the view that the General Assembly should now address the question of supplementing the provisions of the Vienna Convention on Consular Relations by an Additional Protocol thereto relating to consular functions.

2. An Additional Protocol should contain specific rules on consular functions without, however, trying to regulate every detail. Rules of customary international law should continue to govern questions not expressly dealt with by the Additional Protocol. Such an instrument should focus on the functions of consular officers relating to nationals of the sending State. It might, in particular, deal with the following questions:

(a) More specific provisions regarding communication and contact with nationals of the sending State;

(b) Issuance of passports, visas and travel documents;

(c) Acting as notary and civil registrar;

(d) Safeguarding the interests of nationals in cases of succession mortis causa, as well as the interests of minors and other persons lacking full capacity;

(e) Representing nationals before the tribunals and other authorities;

(f) Executing letters rogatory or commissions to take evidence;

(g) Exercising rights of supervision and inspection in respect of vessels and aircraft.

A draft of such an Additional Protocol is attached to this memorandum (see appendix).

3. Czechoslovakia and Austria jointly request the Secretary-General of the United Nations to include in the provisional agenda of the forty-fifth session of the General Assembly an item entitled "Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations".

Done at Prague, on this seventh day of March 1990.

The Federal Minister for
Foreign Affairs of the
Czechoslovak Socialist Republic

The Federal Minister for
Foreign Affairs of the
Republic of Austria

APPENDIX

Additional Protocol to the Vienna Convention on Consular Relations

The States Parties to the present Additional Protocol and to the Vienna Convention on Consular Relations adopted by the United Nations Conference, held at Vienna from 4 March to 22 April 1963, hereinafter referred to as "the Convention",

Expressing their wish to establish more detailed rules between them concerning consular functions,

Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Additional Protocol,

Have agreed as follows:

Article 1

1. The definitions listed in article 1, paragraph 1, of the Convention shall be applied in the same manner in this Additional Protocol.

2. The provisions of this Additional Protocol relating to nationals of the sending State, shall apply, mutatis mutandis, to legal persons and partnerships under commercial law which are established in accordance with the laws and regulations of the sending State or which have their head office in that State.

Article 2

In the exercise of the functions referred to in 5 (d) of the Convention, consular officers shall, in particular, have the right:

(a) To issue passports and other travel documents to nationals of the sending State and to extend, alter, broaden or revoke them;

(b) To issue entry, return and transit visas to persons wishing to travel to the sending State, to leave it or pass in transit through it.

Article 3

1. In the exercise of the functions referred to in article 5 (f) of the Convention, consular officers shall, in particular, have the right:

(a) To keep a register of the nationals of the sending State who are domiciled or resident in the consular district;

(b) In accordance with the laws and regulations of the sending State, to accept applications and declarations, to validate certificates and to issue documents relating to nationality;

(c) To register births and deaths of nationals of the sending States; this does not, however, relieve nations of the sending State of their obligation to observe the relevant laws and regulations in force in the receiving State;

(d) To authenticate documents issued by the competent authorities of the receiving State and destined for use in the sending State;

(e) To authenticate the signature of nationals of the sending State on documents, as well as copies of and extracts from documents;

(f) To authenticate the signature of nationals of the receiving State on documents, as well as copies of and extracts from documents destined for the authorities and institutions of public law of the sending State.

2. In so far as required by the laws and regulations of the receiving State, consular officers shall notify the competent authorities of the receiving State of actions taken in accordance with paragraph 1 (c).

Article 4

Consular officers shall also have the right to draw up or authenticate in notarial form in the receiving State the following legal acts and contracts provided that they are not contrary to the laws and regulations of the receiving State:

(a) Legal acts and contracts between nationals of the sending State, as well as unilateral legal acts of such persons, provided that such legal acts and contracts do not result in the establishment, alteration or abrogation of rights in respect of immovable property situated in the receiving State;

(b) Testamentary dispositions of nationals of the sending State or other declarations relating to the estates of such nationals;

(c) Legal acts or contracts relating exclusively to property situated in the sending State or to business being conducted in that State, irrespective of the nationality of the parties.

Article 5

1. Consular officers shall have the right:

(a) To accept for safekeeping documents, cash, valuables and other articles belonging to nationals of the sending State;

(b) To accept from the authorities of the receiving State, for return to their owners, documents, cash, valuables and other articles lost by nationals of the sending State during their sojourn in the receiving State.

2. The articles accepted for safekeeping in accordance with paragraph 1 may be exported from the receiving State only where such export is not contrary to the laws and regulations of that State.

Article 6

In the exercise of the functions referred to in article 5 (j) of the Convention, consular officers may, in particular:

(a) Issue extracts and ordinary or certified copies of any document which they have drawn up within the scope of their authority;

(b) Translate instruments and documents or certify their translation;

(c) Accept and register declarations by nationals of the sending State;

(d) Issue certificates indicating the source or origin of goods, as well as other similar certificates;

(e) Transmit judicial and extra-judicial documents and to execute applications for legal assistance in civil cases, provided that such action is in conformity with valid international agreements or, if such agreements do not exist, provided that it is in accordance with the laws and regulations of the receiving State.

Article 7

In the exercise of the functions referred to in article 5 (h) of the Convention, consular officers shall, in particular, have the right to intercede with the authorities of the receiving State for the purpose of protecting the rights and interests of minors or other persons requiring trusteeship, or of absent persons, who are nationals of the sending State. Where the need arises to appoint officially a guardian, trustee or other representative for a national of the sending State, the authorities of the receiving State shall so inform the consular officer. The consular officer shall have the right to submit appropriate proposals in respect of the person to be appointed.

Article 8

If a national of the sending State deceases in the receiving State, the competent authority of the receiving State shall promptly notify the consular officer of the sending State and transmit to him free of charge the death certificate or other document certifying death.

Article 9

The right to represent nationals of the sending State before the tribunals and other authorities of the receiving State referred to in article 5 (i) of the Convention shall cease to have effect as soon as the persons represented appoint a representative or themselves undertake the defence of their rights.

Article 10

In the exercise of the functions referred to in article 5 (l) of the Convention, consular officers shall, in particular, have the right to board a vessel as soon as the vessel has received pratique. From that moment, the master of the vessel and members of the crew may communicate with the consular officer. Consular officers shall also have the right to request assistance from the authorities of the receiving State in all matters relating to vessels of the sending State and members of the crew of such vessels.

Article 11

In the exercise of the functions referred to in article 5 (k) and (i) of the Convention, consular officers, without prejudice to the powers of the authorities of the receiving State, shall, in particular, have the right:

(a) To investigate any incident in connection with a vessel of the sending State occurring during its voyage, in port or anchorage, question the master of the vessel and the members of its crew, examine the vessel's papers, receive information concerning the destination of the vessel, and provide assistance in connection with the vessel's entry into the port of anchorage, its stay in port or at the anchorage and its departure from port or anchorage;

(b) To settle disputes between the master of a vessel of the sending State and the members of the crew, including disputes relating to working conditions, if such settlement is not contrary to the laws of the Contracting States;

(c) To make arrangements for the medical treatment or repatriation of the master or any member of the crew of a vessel of the sending State;

(d) To receive, draw up or authenticate any declaration or other documents prescribed by the sending State in connection with vessels.

Article 12

1. Where an authority of the receiving State intends to take any coercive measures or institute an investigation on board a vessel of the sending State, the authorities of the receiving State shall so notify the consular officer. Such notification shall be made before the measure is begun, in order that the consular officer may be present when the measure is carried out. If, in urgent cases, the

consular officer cannot be notified and he is not present when the measure is carried out, the authorities of the receiving State shall inform the consular officer of the measures which have been taken.

2. Paragraph 1 shall also apply if the master of a member of the crew of a vessel of the sending State is taken ashore.

3. This article shall not apply to customs, passport or sanitary inspection or to actions taken at the request or with the consent of the master of the vessel.

Article 13

1. Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged in the receiving State or where any article which is the property of a national of the sending State, including part of the cargo of a damaged vessel of a third State, is found on or near the coast of the receiving State, the authorities of the receiving State shall promptly notify the consular officer. The authorities of the receiving State shall also inform the consular officer of the measures they have taken for the preservation of human lives of the vessel, or the cargo and other property on board and of articles belonging to the vessel or forming part of its cargo, which have become separated from the vessel.

2. The consular officer may render every assistance to the damaged vessel referred to in paragraph 1, its passengers and members of its crew; for that purpose he may request assistance from the authorities of the receiving State.

3. The consular officer shall have the right to take part in the investigation of the causes of the damage, stranding or shipwreck, provided that such action is not contrary to the laws and regulations of the receiving State.

Article 14

Articles 10 to 13 shall also apply, mutatis mutandis, to civil aircraft of the sending State.

Article 15

1. In the implementation of article 36, paragraph 1 (b) and (c) of the Convention, the competent authorities of the receiving State shall notify the consular post of the sending State promptly, or at the latest within five days, of the preventive detention, arrest or other restriction of the personal freedom of a national of the sending State, if the person concerned does not object against the notification. The measures taken by the consular officer shall also include the right to propose in accordance with the laws and regulations of the receiving State that criminal proceedings shall be conducted in the sending State.

2. The competent authorities of the receiving State shall transmit promptly any communication addressed by the person concerned to the consular officer. The receiving State shall also ensure that letters from the consular officer to detained nationals of the sending State shall be transmitted to the addressees without undue delay.

3. Consular officers shall also have the right to communicate with nationals of the sending State who have been taken into preventive detention or arrested, who are serving a term of imprisonment or who have been subjected to any other form of deprivation of personal freedom, to visit them and speak with them regarding all matters relating to the performance of consular functions in that case, in particular, the protection of the rights and interests of the persons concerned, as well as the circumstances of their detention. Consular officers shall also have the right to assist the persons concerned in appointing a legal representative. The competent authorities of the receiving State must accord the said right to the consular officer, at the latest, one week after the date of preventive detention, arrest or other deprivation of personal freedom and thereafter at appropriate intervals. Without prejudice to his other rights under the Convention and this Additional Protocol, the consular officer must, however, refrain from intervening in accordance with this paragraph if the person concerned expressly objects thereto in the presence of the consular officer and a representative of the competent authorities of the receiving State.

4. The competent authorities of the receiving State must inform the person concerned without delay in an unmistakable and clear manner of his rights arising from paragraphs 1, 2 and 3, as well as from article 36, paragraph 1 (b) and (c) of the Convention.

Article 16

1. The provisions of the present Additional Protocol shall not affect other international agreements in force as between States parties to them.

2. Nothing in the present Additional Protocol shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

Article 17

The present Additional Protocol shall be open for signature by all States which are or may become Parties to the Convention, as follows: ...

Article 18

The present Additional Protocol is subject to ratification. The instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article 19

The present Additional Protocol shall remain open for accession by all States which are or may become Parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 20

1. The present Additional Protocol shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Additional Protocol with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the present Additional Protocol after its entry into force in accordance with paragraph 1 of this article, the Additional Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 21

The Secretary-General of the United Nations shall inform all States that are or may become Parties to the Convention:

(a) Of signatures to the Additional Protocol and of the deposit of instruments of ratification or accession, in accordance with articles 17, 18 and 19;

(b) Of the date on which the present Additional Protocol will enter into force, in accordance with article 20.

Article 22

The original of the present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 17.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Additional Protocol.

Done at ..., this ... day of ..., one thousand nine hundred and ...

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/45/142
9 April 1990

ORIGINAL: ENGLISH

Forty-fifth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL SUB-ITEM IN THE PROVISIONAL AGENDA OF THE FORTY-FIFTH SESSION

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of an alternate member of the United Nations Staff Pension Committee

Note by the Secretary-General

1. Article 6 of the regulations of the United Nations Joint Staff Pension Fund provides as follows:

"Article 6

"Staff Pension Committee

"(a) The United Nations Staff Pension Committee shall consist of four members and four alternate members elected by the General Assembly. ...

"(b) The elected members and alternate members of the Committee shall hold office for three years or until the election of their successors and shall be eligible for re-elections; in the event that such a member or alternate member ceases, during his term of office, to be a member of the Committee, another member or alternate member may be elected to hold office during the remainder of his term.

"(c) ... "

2. The Secretary-General has received notification of the resignation of Mr. Teodoro Maus (Mexico) as an alternate member of the United Nations Staff Pension Committee. The General Assembly will therefore be required at its forty-fifth session to appoint a person to fill the unexpired portion of the term of office of Mr. Maus, that is, until 31 December 1991. Accordingly, it will be necessary to include in the provisional agenda of the forty-fifth session under

item 17 of the preliminary list, entitled "Appointments to fill vacancies in subsidiary organs and other appointments", an additional sub-item entitled "Appointment of an alternate member of the United Nations Staff Pension Committee".

3. At previous sessions, the Fifth Committee submitted to the General Assembly a draft decision containing the name of a person recommended for appointment. It is suggested that a similar procedure be followed at the forty-fifth session.